

EXHIBIT B

Policy 0100 EQUAL OPPORTUNITY AND NONDISCRIMINATION

The Board of Education, its officers and employees, shall not discriminate in its programs and activities against students on the basis of actual or perceived race, color, weight, national origin, creed, religion, religious practice, marital status, sex, age, sexual orientation, gender (including gender identity and expression), disability, or deny access under the Boy Scouts of America Equal Access Act. The district will provide notice of this policy in accordance with federal and state law and regulation.

This policy of nondiscrimination includes access by students to educational programs, counseling services for students, course offerings, and student activities, as well as recruitment and appointment of employees and employment pay, benefits, advancement and/or terminations.

A finding that an individual has engaged in conduct in violation of this policy may result in disciplinary action and/or filing of a report with third parties in the manner prescribed by the district code of conduct, the law or applicable contract.

Nothing in this policy shall be construed to prohibit a denial of admission into, or exclusion from, a course of instruction or activity based on a person's gender that would be permissible under the law, or to prohibit, as discrimination based on disability, actions that would be permissible under the law.

Annual Notification

At the beginning of each school year, the district shall publish a notice of the established grievance procedures for resolving complaints of discrimination to parents/guardians, employees, students and the community. The public notice shall:

1. inform parents, employees, students and the community that education programs, including but not limited to vocational programs, are offered without regard to actual or perceived race, color, weight, national origin, creed, religion, religious practice, marital status, sex, age, sexual orientation, gender (including gender identity and expression), disability, or under the Boy Scouts of America Equal Access Act.
2. provide the name, address and telephone number of the person designated to coordinate activities concerning discrimination; and
3. be included in announcements, bulletins, catalogues, and applications made available by the district.

The District has designated a Compliance Officer to handle inquiries regarding the District's non-discrimination policies. The District's Compliance Officer can be contacted at 185 Peninsula Boulevard, Hempstead, New York 11550, Phone (516) 434-4020; email: rgilmore@hempsteadschools.org. The procedure for resolving complaints of sex discrimination, including sexual harassment and sexual violence are covered by policy [0110](#).

All complainants and those who participate in the investigation of a complaint in conformity with state law and district policies, who have acted reasonably and in good faith, have the right to be free from retaliation of any kind.

The Board authorizes the Superintendent of Schools to establish such rules, regulations and procedures necessary to implement and maintain this policy.

Cross-ref:

[0110](#), Sexual Harassment/Sex Discrimination

[0115](#), Student Harassment and Bullying Prevention and Intervention

[5020.2](#) Racial Harassment of Students

[5030](#), Student Complaints and Grievances

[5300](#), Code of Conduct

[9140.1](#), Staff Complaints and Grievances

[9150](#), Policy Against Discrimination and Harassment

Ref:

Age Discrimination in Employment Act of 1967 [29 U.S.C. §621](#) *et seq.*

Age Discrimination Act of 1975, [42 U.S.C. §6101](#) *et seq.*

Americans with Disabilities Act, [42 U.S.C. §12101](#) *et seq.*

Title VI, Civil Rights Act of 1964, [42 U.S.C. §2000d](#) *et seq.* (nondiscrimination based on race, color, and national origin in federally assisted programs)

Title VII, Civil Rights Act of 1964, [42 U.S.C. §2000e](#) *et seq.* (nondiscrimination based on race, color, religion, sex, and national origin in employment)

Title IX, Education Amendments of 1972, [20 U.S.C. §1681](#) *et seq.* (nondiscrimination based on sex)

§504, Rehabilitation Act of 1973, [29 U.S.C. §794](#)

Individuals with Disabilities Education Law, [20 U.S.C. §§1400](#) *et seq.*

Genetic Information Nondiscrimination Act of 2008 [P.L. 110-233](#)

[34 C.F.R. §§ 100.6, 104.8, 106.9, 110.25](#)

[Executive Law §290](#) *et seq.* (New York State Human Rights Law)

Boy Scouts of America Equal Access Act, [20 U.S.C. § 7905](#)

[Education Law §§10-18](#) (The Dignity for All Students Act)

[Education Law §§313\(3\), 3201, 3201-a](#)

Adoption date: June 16, 2016

Hempstead Union Free School District

Regulation 0100-R EQUAL OPPORTUNITY AND NONDISCRIMINATION REGULATION

The procedures set forth in this regulation do not supersede any protection complainants are provided under existing state or federal law.

Definitions

1. *Complainant* shall mean an applicant, employee, student or third party who alleges that they have been subjected to discrimination, which may be a violation of this policy, as well as a violation of federal or state law or associated regulations, which has affected him/her.
2. *Complaint* shall mean any alleged act of discrimination, including harassment, which may be a violation of this policy, which may also violate federal and state civil rights laws or associated regulations.
3. *Compliance Officer* shall mean the employee designated by the Board of Education to coordinate efforts to comply with and carry out responsibilities under the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act, Title IX of the Education Amendments, the Americans with Disabilities Act (ADA), and the Age Discrimination Act. The District's designated Compliance Officer is: Dr. Rodney Gilmore. The Compliance Officer can be contacted at 185 Peninsula Boulevard, Hempstead, New York 11550, Phone (516) 434-4020; email: rgilmore@hempsteadschools.org.

Prohibited Discrimination

Discrimination prohibited under this policy, includes, but is not limited to, discrimination on the basis of actual or perceived race, color, weight, national origin, creed, religion, religious practice, marital status, sex, age, sexual orientation, gender (including gender identity and expression), disability, or to deny equal access to Boy Scouts and other designated youth groups.

Investigation / Resolution

If the District's investigation finds that discrimination occurred, the District will take reasonable steps to prevent further discrimination and/or harassment, and to correct its effects, if appropriate.

The investigation and resolution of any complaints alleging an action prohibited by the Civil Rights Act of 1964, as amended, Section 504 of the Rehabilitation Act, Title IX of the Education Amendments, the ADA, or the Age Discrimination Act shall be dealt with in the following prompt, equitable and impartial manner:

A. Stage I--Compliance Officer

1. As soon as practicable, if possible within thirty (30) days after the events giving rise to the allegation, the complainant shall file a complaint, preferably in writing using the District's complaint form, with the Compliance Officer. The Compliance Officer may informally discuss the complaint with the complainant. He/She shall promptly and thoroughly investigate the matter and provide the complainant and the respondent the opportunity to present witnesses and evidence. All employees and students of the school District shall cooperate with the Compliance Officer in such investigation.
2. Within thirty (30) working days of receipt of the complaint, the Compliance Officer shall make a finding in writing, to the complainant and the respondent, that there has or has not been a violation of the Civil Rights Act, Section 504 of the Rehabilitation Act, Title IX of the Education Amendments, the ADA, or the Age Discrimination Act. If additional time is needed to make a finding, a written status report shall be submitted to all parties, including the complainant and

respondent, indicating the need for additional time. In the event the Compliance Officer finds that there has been a violation, he/she shall propose a resolution of the complaint.

3. If the complainant or respondent is not satisfied with the finding of the Compliance Officer, or with the proposed resolution of the complaint, the aggrieved party may, within ten (10) days after he/she has received the report of the Compliance Officer, file a written request for review by the Superintendent of Schools.

B. Stage II--Superintendent of Schools

1. The Superintendent may request that the complainant, respondent, the Compliance Officer, student, third party, or any member of the school District staff present a written statement to him/her setting forth any information that such person has relative to the complaint and the facts surrounding it.

2. The Superintendent shall notify all parties concerned as to the time and place when an informal hearing will be held where such parties may appear and present oral and written statements supplementing their position in the case.

3. The Superintendent shall render a determination in writing, to the complainant and the respondent, within thirty (30) working days of receipt of the request. Such determination shall include a finding that there has or has not been a violation of the Civil Rights Act, Section 504 of the Rehabilitation Act, Title IX of the Education Amendments, the ADA or the Age Discrimination Act, and if applicable, a proposal for equitably resolving the complaint. If additional time is needed to render a determination, a written status report shall be submitted to all parties, including the complainant and respondent, indicating the need for additional time.

4. If the complainant or respondent is not satisfied with the determination of the Superintendent or the proposed resolution, the aggrieved party may, within ten (10) days after its receipt, file with the Clerk of the Board of Education, a written request for review by the Board.

C. Stage III--Board of Education

1. When a request for review by the Board has been made, the Superintendent shall submit all written statements and other materials concerning the case to the President of the Board.

2. The Board shall notify all parties concerned, including complainant and respondent, of the time and place when a hearing will be held.

3. The Board shall render a decision in writing, to the complainant and the respondent, within thirty (30) working days of receipt of the request. If additional time is needed to render a decision, a written status report shall be submitted to all parties, including the complainant and respondent, indicating the need for additional time.

Adoption date: June 16, 2016

Amended: May 18, 2017

Hempstead Union Free School District